REMARKS/ARGUMENTS

In view of the following remarks, reconsideration of the application is respectfully requested.

In the outstanding Office Action, claims 4, 5 and 18-20 have been rejected under 35 U.S.C. § 112, both first and second paragraphs. To this end, the Examiner indicates that the simulated appliance operation or cycle as described in the summary of the invention and detailed description sections of the application, as well as recited in at least claims 4 and 18, is unclear. More specifically, the Examiner states that it is not clear if the simulation includes operation of the application itself or if the operation only occurs in the display. To this end, it is thought that the specification clearly sets forth that the simulated appliance operation occurs without the appliance actually in use. For instance, note the discussion on page 3, lines 11+ wherein it is stated that, in the interactive format, a consumer can enter desired selections through the screen "as if the appliance was actually in use. The appliance then simulates an operation cycle based on the desired selections..." Based on this and similar statements, it should be clear that the appliance is not actually in use when the simulation occurs. That is, the display of the appliance is used to indicate, as way of advertisement, the manner in which the appliance would operate with those particular selections. It should also be noted that the detailed description further discusses how this simulation mode can enable the appliance to advertise with less reliance on sales personnel at stores. The appliance is not in full operation in a store.

This rejection, as well as the rejection of the claims based on prior art, raises a question of whether the Examiner fully appreciates the claimed invention. As discussed in the specification, it is desired to advertise a household appliance to a consumer in a store by presenting information concerning the household appliance through a plurality of screens on a display incorporated in the appliance in order to educate the consumer on the household appliance. With this arrangement, a consumer can readily learn special features and advantages of the appliance in a user friendly and entertaining manner. In

addition to potentially attracting consumers to the appliance, less reliance is placed on the availability or particular knowledge of individual sales personnel.

The Examiner has rejected the claims in various ways and, in addition, has indicated other prior art of record in paragraph 35 of the Office Action as disclosing advertising modes. However, as will be detailed more fully below, not a single reference of record is seen to disclose or suggest the present invention wherein an advertising mode is presented through a plurality of screens on a display incorporated in a household appliance to educate a consumer on the household appliance as particularly claimed. It appears that the Examiner is actually indicating that any display on or simply for an appliance which sets forth information equates to the advertising mode of the present invention. If this is the case, it is respectfully submitted that the invention is being considered in a vacuum and not in light of the specification or taking into consideration the particular claim language.

For instance, it should be recognized that the apparatus claims in this application are set forth in a means-plus-function format and the method claims specifically require the establishing of an advertising mode of operation in a household appliance to provide educational information to a consumer about the appliance on a screen incorporated into the appliance. Under U.S. Patent Office regulations, the application of a prior art reference to a means-plus-function limitation requires that the prior art "perform the identical function" and must be interpreted in a manner "consistent with the specification" (see M.P.E.P. § 2182). Therefore, the means-plus-function language must be interpreted in light of the specification such that the application of prior art, particularly under § 102, must be equivalent to that set forth in the present application. None of the prior art relied upon by the Examiner discusses any type of appliance that incorporates a display used to provide an advertising mode to educate a consumer about the household appliance itself.

With respect to the Klausner patent, the Examiner references column 5, lines 27-40 in describing how the display presents visual screens to a user and presents an "advertising mode." However, column 5, lines 27-40 simply discusses the ability of a

display of the appliance to show errors and information on how the consumer itself can eliminate the errors, as well as for the consumer to do a remote diagnosis via modem. Again, the claims cannot be read in a vacuum. It should be readily apparent that the advertising mode of the present invention is not needed once the appliance is purchased, but rather is utilized in a store in order to address anticipated concerns of a consumer such as when a salesman is either not fully knowledgeable on aspects of the appliance or is not available. It is respectfully submitted that the information provided in Klausner as referenced by the Examiner provides an instruction to the consumer, rather than advertising features of the appliance to educate the consumer with information which may be utilized in connection with purchasing the appliance.

With respect to the application of Blair Patent No. 5,502,265, this patent is clearly assigned on its face to Maytag Corporation. The present application has also been assigned to Maytag, with the assignment being recorded on October 25, 2001 at Reel 012283, Frame 0746. Maytag Patent No. 6,502,265 does not at all set forth any disclosure on an advertising mode of operation. Although the Examiner references various sections, such as column 2, lines 56-64, these sections merely discuss displaying visual screens to a consumer concerning certain interactive control aspects of the appliance. These display screens are associated with actually utilizing the appliance in the home after a purchase is made and is not concerned with advertising the appliance in a manner analogous to that of the present invention. Contrary to what the Examiner sets forth in the Office Action, there is simply no "control means for establishing an advertising mode of operation..." For this reason, it is respectfully submitted that this patent does not at all anticipate the present invention. With respect to any use of this patent under § 103, the Applicant has clearly shown that these patents are co-assigned which removes this patent as a reference under M.P.E.P. § 706.02(l).

With respect to the application of Abrams et al. (U.S. Patent No. 6,587,739) in view of Klausner as applied to claims 1, 8, 11, 14, 15 and 18-20, the Abrams et al. patent is concerned with an appliance communication and control system. The patent does disclose the use of a console 50 including a touch screen display 410 that "may display a

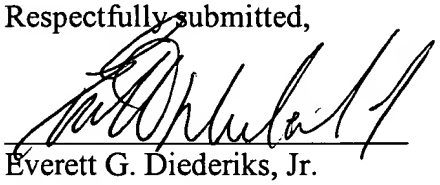
multitude of images and combinations thereof such as one or more soft keys 412, static removing images 414 or other display elements 416 such as advertising, promotional offers, or blocks of information such as weather, new headlines, stock tickers or the like." However, as properly noted by the Examiner, display 50 is not incorporated into any appliance. To this end, the Examiner relies upon Klausner to suggest moving display 50 into one of the appliances. It is respectfully submitted that this combination is not prima facie obvious and, even if made, would not disclose or suggest the present invention. More specifically, it must first be realized that the advertising disclosed in connection with Abrams has absolutely nothing to do with educating a consumer on a particular household appliance. Instead, the control has a capability of being interconnected to the Internet to receive various downloads including advertising. Abrams specifically discloses the advertising of concern in column 12, lines 56-61 when discussing the downloading of suggestions for dietetic food or other advertisements for health spa. It should again be noted that all the appliances and console 50 disclosed by Abrams et al. have already been purchased by a consumer and are specifically shown and disclosed in the Abrams patent to be in a household. Therefore, any such Internet downloaded advertisement would have nothing to do with educating a consumer on a particular household appliance into which the display showing the advertisement is presented to a consumer in a manner analogous to that of the present invention. Obviously, it is not important to display such advertising to a consumer once the appliance has been purchased.

Also, the Examiner should realize the required size of the console 50 in Abrams relative to the size of the appliances. That is, as clearly shown in the Figures, console 50 is basically about the size of the entire freezer compartment door of the refrigerator shown. This enlarged size is desired due to the Internet access and other control features of the abundance of appliances connected to control 50. Since control 50 is utilized in connection with numerous appliances, it is respectfully submitted that it would not make sense to incorporate the same into one appliance which would have to be an essential item to purchase in order to control all the other appliances. In any event, the overall arrangement, either taken singly or in combination, certainly has no benefit in advertising

an appliance in a manner corresponding to that of the present invention wherein the advertising mode is used to address concerns of a consumer in a store when a salesman is either not fully knowledgeable on aspects of the appliance or is not available.

Based on the above, it should be readily apparent that the weight given by the Examiner to the "advertising mode of operation" limitation of the present invention is quite different from that set forth in the application and intended in accordance with the present invention. Since the claims cannot be read in a vacuum, it is respectfully submitted that the interpretation taken by the Examiner is unreasonable and, once interpreted in the manner appropriate in accordance with the disclosure, the prior art is simply not relevant to the patentability of the present invention. Furthermore, the means-plus-function format of independent claim 1 necessitates that the Examiner accord these functional limitations the meaning set forth in the specification and equivalence thereof which is not at all disclosed or suggested in the applied prior art. The same is true with respect to the specific method limitations set forth in claims 11-20. As the Examiner is aware, the undersigned has attempted to set up an interview with the Examiner to discuss these distinctions. However, due to time constraints, this written response was filed. Therefore, if the Examiner should have any further concerns regarding the allowance of this application, he is cordially invited to contact the undersigned at the number provided below to arrange for an interview in order to further the prosecution of this application.

Respectfully submitted,



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